

Appl. No. 09/735,335
Amdt. dated May 13, 2005
Reply to Office Action of April 6, 2005

Remarks

The present amendment responds to the Official Action dated April 6, 2005. The Official Action rejected claims 1-4, 6-9, 11-12, 14-15, 17-21, and 23-27 under 35 U.S.C. §102(b) based on Ernst et al. U.S. Patent No. 5,636,245 ("Ernst"). Claims 5, 10, 13, 16, 22, and 28 were rejected under 35 U.S.C. §103 as being unpatentable over Ernst. These grounds of rejection are addressed below.

Claims 1, 4, 6, 9, 11, 14, 17, and 23 have been amended to be more clear and distinct. In particular, claims 1 and 6 have been amended to include a priority feature. This priority feature supports the ordering of messages according to their priority. Support for this amendment can be found, for example, at page 9, lines 17-23 and page 11, lines 26-32. Claims 11, 14, 17, and 23 have been amended to recite that a message is sent with both a definition of a geographic region of relevance and an associated indicium of the geographic region and that subsequent broadcasted messages are sent having indicia of geographic regions. This feature advantageously obviates the need to explicitly define a geographic region in each broadcasted message as found in the relied upon art. Support for this amendment can be found, for example, at page 7, lines 15-18.

Claims 1-28 are presently pending.

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The Art Rejections

The Official Action rejected claims 1-4, 6-9, 11-12, 14-15, 17-21, and 23-27 under 35 U.S.C. 102(b) as anticipated by Ernst. In light of the present amendments to claims 1-4, 6-9, 11-12, 14-15, 17-21, and 23-27, this ground of rejection is respectfully traversed.

Claim 1, as amended, claims inter alia "a receiver for receiving a plurality of broadcasted geographically-sensitive messages having associated geographic locations of relevance and priorities," and "a processor configured ... to order the unfiltered messages according to their associated priorities." See also claim 6. This aspect of the present invention advantageously allows an ordering of messages to assist a remote terminal modified according to the teachings of the invention in determining when to deliver a geographically-sensitive message to a user. By way of example, referring to page 9, lines 20-23 of the present specification, a geographically-sensitive message concerning a sale at a store in a geographic region of relevance 613 could be assigned a lower priority than a geographically-sensitive message concerning a tornado in the same geographic region of relevance 613 so that the more urgent message is delivered first. A customer could readily create a profile so that he or she would get messages in a desired order. Similarly, an advertiser using the system could pay a higher fee for a higher priority. Other examples of the advantageousness of the flexibility provided by the present approach are many. Ernst does not disclose and does not teach the priority feature as presently claimed.

In contrast, Ernst discloses "broadcasting messages including a segment comprising a region, a velocity and/or a time." Ernst, col. 2, lines 2-4. The segment may include an event specific tag which indicates the type of event detected. Ernst, col. 3, lines 26-28. A remote unit

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receives the broadcasted messages and also receives a selection criteria from a selection criteria unit 125. Ernst, Fig. 1. The remote unit uses the selection criteria to determine whether the stored position, velocity and/or time information are within matching conditions of the position, velocity and/or time information for the segment of the transmitted message.” Ernst, col. 3, lines 53-58. Ernst does not disclose and does not make obvious a broadcasted message having a priority and ordering the unfiltered messages according that priority as presently claimed.

The Official Action in its rejection of claim 4 suggests that event specific tags disclosed at col. 3, lines 37-45 of Ernst purportedly prioritize events and messages. Applicant respectfully disagrees. The cited text discloses event specific tags within the context of selection criteria input which may be inputted manually or from the selection criteria unit 124. These event specific tags are not carried in a broadcasted message as claimed. Furthermore, even assuming for the sake of argument that Ernst discloses a broadcast message carrying an event specific tag, the event specific tag does not accomplish the result a priority accomplishes. Referring to col. 3, lines 39-40 of Ernst, the selection criteria may include “event specific tags to customize and reduce the amount of information disseminated.” (emphasis added) Clearly, a priority in a broadcasted message which orders unfiltered messages as presently claimed defines over event specific tags which merely involve the amount of information disseminated. Claims 1 and 6, as amended, therefore defines over the cited art and should be allowed.

Claim 11, as amended, claims inter alia “a receiver for receiving a first message having a definition of a geographic region of relevance and an associated indicium of the geographic region of relevance and for receiving a plurality of broadcasted geographically-sensitive

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messages, the plurality of broadcasted geographically-sensitive messages being labeled by the indicium of a geographic region of relevance." Furthermore, claim 11, as amended, claims "a processor configured to determine geographic regions of relevance from the associated indicia supplied in the plurality of broadcasted geographically-sensitive messages..." One aspect of this claimed feature allows one message to define a region of relevance and an associated indicium and subsequent broadcasted messages to be labeled by the associated indicium without containing the corresponding definition. Since the region of relevance may vary and be a complex polygon, for example, such as the region of relevance 613 shown in Fig. 6, receiving the indicium of the region of relevance in a subsequent broadcasted message rather than the entire definition reduces the amount of information to be received and processed by the receiver. Such a reduction is highly advantageous. See also claims 14, 17, and 23.

In contrast, Ernst teaches broadcasting messages including a segment comprising a region. Ernst, col. 2, lines 2-3. Ernst does not disclose and does not make obvious an associative approach as presently claimed. Ernst does not distinguish its broadcast messages. In fact, it appears that Ernst requires all of its broadcasted messages to include a definition of a region and, thus, teaches away from the presently claimed associative approach. Claims 14, 17, and 23, as amended, therefore defines over the cited art and should be allowed.

The Official Action rejected claims 5, 10, 13, 16, 22, and 28 under 35 U.S.C. §103 as being unpatentable over Ernst. The Official Action acknowledges that Ernst does not expressly show a geographic region of interest comprising at least one of a polygon and a conic section. The Official Action also suggests that these differences are purportedly only found in the

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nonfunctional descriptive material and are not functionally involved in the steps recited.

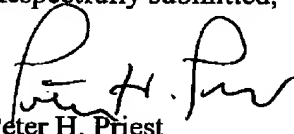
Applicant respectfully disagrees. The shape of the geographic region of interest is functional and is related to the steps of the invention. Referring to a step of claim 14 upon which claim 16 depends, for example, this step recites "determining whether said geographic location of said telecommunications terminal is within the determined geographic region of relevance." If, as claimed in claim 16, the geographic region of relevance is a polygon or conic section, the recited step determines whether the geographic location of said telecommunications terminal is within the polygon or conic section. If the location is not within the defined region, the broadcast message is disregarded. Clearly, claiming a specific region upon which to make a determination is functional. Consequently, according to MPEP §2106 VI, claiming a polygon or conic section as it relates to the determination step as claimed above is "a limitation in the claim and must be considered and addressed in assessing patentability under 35U.S.C. 103. Thus, a rejection of the claim as a whole under 35 U.S.C. 103 is inappropriate unless the functional descriptive material would have been suggested by the prior art. *In re Dembiczak*, 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999)." Ernst does not disclose and does not teach a particular region in determining its matching conditions. Claims 5, 10, 13, 16, 22, and 28, therefore define over the cited art and should be allowed.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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